

EXHIBIT 4

1
2 IN THE UNITED STATES BANKRUPTCY COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 Chapter 11
5 Case No. 19-11711(SCC)
6 Adv. Pro. No. 19-1300(SCC)

7 IN RE:

8 THE D&M CAPITAL GROUP, LLC,

9 Debtor.

10 THE D&M CAPITAL GROUP, LLC,

11 Plaintiff,

12 -against-

13 ESSEX GLOBAL TRADING, LLC,
ALEKS PAUL and "JOHN DOES," said names
being fictitious and unknown,

14 Defendants,

15 -and-

16 RADWAN DIAMOND & JEWELLERY TRADING,
ULTIMATE DIAMOND CO., S.B. DIAMOND CORP.,
PALAWAN HOLDINGS LIMITED, and
GEMCUT S.A.,

17 Nominal Defendants.

18 (Caption continued)

19 Transcript of Deposition of

20 MOTY SPECTOR

21 Tuesday, October 8, 2019

22 9:04 a.m.

23 Office of Samuel P. Israel, Esq.
New York, New York

24 Tab Prewett, Court Reporter

1
2 ESSEX GLOBAL TRADING, INC.,

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4 Plaintiff,

5
6 -against-

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8 MOTY SPECTOR,

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10 Third-Party Defendant.

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14 DEPOSITION OF MOTY SPECTOR
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16

17 TRANSCRIPT of the stenographic notes of
18 the proceedings in the above-entitled matter, as
19 taken by and before TAB PREWETT, a Registered
20 Professional Reporter, a Certified LiveNote
21 Reporter, Certified Shorthand Reporter and Notary
22 Public, held at the Offices of SAMUEL P. ISRAEL
23 LLP, 180 Maiden Lane, New York, New York 10016,
24 on Tuesday, October 8, 2019, commencing at
25 9:04 a.m.

1
2 A P P E A R A N C E S:

3
4 SAMUEL P. ISRAEL P.C.

5 BY: SAMUEL P. ISRAEL, ESQ.

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11 Essex Global Trading and Aleks Paul

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Attorneys for Defendants,

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10 Attorneys for Moty Spector,
11 Individually
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13 TROUTMAN SANDERS LLP
14 BY: BRETT D. GOODMAN, ESQ.
15 875 Third Avenue
16 New York, New York 10022
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19 Attorneys for Plaintiff,
20 The D&M Capital Group
21
22
23
24
25

Moty Spector

P R O C E E D I N G S

M O T Y S P E C T O R,

doing business at The D&M Capital Group,

592 Fifth Avenue,

New York, New York 10036,

having been sworn by the notary public to testify

to the truth, testified as follows:

DIRECT EXAMINATION

BY MR. ISRAEL:

Q Good morning, Mr. Spector. My name

is Sam Israel as you know. I am going to be

asking questions today in connection with an

adversary proceeding that was commenced against

Essex Global Trading and Aleks Paul, and that's

scheduled to have a hearing in just about a week.

from now, maybe a week and a couple of days.

If you don't understand any of

questions that I put to you, please tell me, and

I will rephrase them. And of course as we

discussed if you need to take a break just

signal that you have got to take a break; and we

will take a break and you can use the bathroom.

Could you tell

1 Moty Spector

2 reason or another.

3 So all of my questions are asking
4 about what you know. They don't require you to
5 speculate. Okay.

If you look above the middle of the page, it says:

8 "100 percent owned by D&M Capital
9 Group LLC, collateral for loan."

12 A I can answer?

13 MR. GOODMAN: Objection. You can
14 answer.

15 A D&M pledge a loan from Essex a
16 while before.

17 Q Right. And this was collateral for
18 the loan, correct?

19 MR. GOODMAN: Objection.

20 Q I can't hear you. What? He made
21 his objection. Now, you have to answer. The way
22 it works is --

23 MR. GOODMAN: If you know -- if you
24 know, you have to answer.

25 The way it works is like this. He

1 Moty Spector

2 makes an objection. He preserves the record, but
3 you have to answer the question that I'm asking
4 you. Okay.

5 A Okay.

6 Q Okay. So can we have your answer
7 to the question?

A Ask the question again.

11 (Reporter read back pending
12 question:

15 MR. GOODMAN: Objection. Calls for
16 a legal conclusion.

17 Q You can answer.

18 A From time to time, Mr. Paul asked
19 me to write collateral for his investors or
20 whatever he meant. So, yes, it's written
21 there -- from time to time Mr. Paul was asking me
22 to write memos that it's collateral for the sake
23 of showing to his investors. He mention a loan.

24 Q Well, is it or was it -- was it or
25 was it not collateral?

Moty Spector

A No, it wasn't.

MR. GOODMAN: Objection to the

MR. MEDINA: Objection.

Q So you wrote the word "collateral" there even though that wasn't true?

A I would say.

MR. MEDINA: Objection.

Q And what else about -- about this document isn't true?

MR. GOODMAN: Objection.

MR. MEDINA: Objection.

Q You can answer.

A Everything is true.

Q Everything is true except for the fact that it was collateral?

A Yes.

Q Okay. What about the fact that it says it's "100 percent owned by D&M Capital Group"?

Is that true?

A No.

O That wasn't true, either; was it?

A No.

1
2 CERTIFICATE
3

4 I, TAB PREWETT, A Registered
5 Professional Reporter, Notary Public, Certified
6 LiveNote Reporter, and Certified Shorthand
7 Reporter, do hereby certify that prior to the
commencement of the examination MOTY SPECTOR was
sworn by the notary public to testify the truth,
the whole truth and nothing but the truth.

8
9 I DO FURTHER CERTIFY that the
10 foregoing is a true and accurate transcript of
11 the testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth.

12
13 I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney nor
counsel of any of the parties to this action, and
that I am neither a relative nor employee of such
attorney or counsel, and that I am not
financially interested in the action.
16

17 TAB Prewett
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19 TAB PREWETT
Notary Public
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21 My Commission expires February 9, 2024
22 Dated: October 8, 2019
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